

Application No. 09/543,679
Supplemental Amendment dated July 20, 2004
Reply to Office Action of February 11, 2004

REMARKS

Claims 1-91, 100-102, 104, 116-119 and 121-123 are canceled. Claims 92, 107, 109 and 124 are currently amended. Claims 92-99, 103, 105-115, 120, and 124-125 are pending in the application.

Preliminary Remarks

This Supplemental Response is being submitted to supplement the Response to Office Action, mailed April 13, 2004 and June 14, 2004 in response to the Office Action dated February 11, 2004, as well as telephone interviews with Examiner Janet Epps-Ford on May 20, 2004 and July 20, 2004. Applicant's attorney thanks the Examiner for her thoroughness and the time involved in prosecuting this application and the time spent during these interviews. In the telephone interviews, Examiner Epps-Ford acknowledged that:

- The pending claims are free of the prior art in view of the arguments filed in the Amendment and Response of April 13, 2004;
- The Bradykinin B2 receptor experiments disclosed in the Robinson Declaration was convincing in support of the pending claims;
- The Eotaxin experiments were not convincing because the structure of the antisense oligonucleotides was not disclosed. Applicant acknowledges that the Declaration by Dr. Cynthia B. Robinson, M.D., omitted the Eotaxin nucleic acid sequences needed to fully appreciate the importance of the disclosed examples within the Declaration. Applicant provides the Eotaxin nucleic acid sequences in this Response below;
- The IL4-R α and IL9-R α experiments were not applicable in the instant application because the disclosed antisense oligonucleotides were outside the scope of the claims. Applicant acknowledges that the IL4-R α and IL9-R α examples were outside the scope of the claims in regards to the adenosine content of the antisense oligonucleotides. Applicant, however, respectfully points out that the IL4-R α and IL9-R α examples are applicable to the instant claims in regards to the small particle size of the example, and therefore submit that the example should be considered in that context.

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Applicant requests that the Examiner reconsider the application in light of the remarks contained herein and the previous communications noted above which are incorporated herein by reference.

During the interview of July 20, 2004, it was pointed out that the claimed invention includes the following novel combination of features:

- 1) The pharmaceutical composition is of a respirable particle size such that it can be administered to the airways of the subject and in particular it has a preferred particle size range of from 0.5 μm to 10 μm in size;
- 2) The pharmaceutical composition is an oligonucleotide having 7 to 60 nucleotides long; and
- 3) The pharmaceutical composition is an oligonucleotide that has up and including about 15% or less adenosine.

The claimed pharmaceutical composition is effective to treat a wide variety of respirable diseases, including asthma, bronchoconstriction, lung allergy and the like. The combination of features for the claimed pharmaceutical composite or/and method is novel and unobvious in that none of the prior art teaches or suggests the combination of features set forth in the claims.

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CONCLUSION

In view of the foregoing amendment and remarks, the Applicant believes that the application is in good and proper condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (650) 565-3585.

Respectfully submitted,

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By:


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